

Louisiana Property and Casualty
Insurance Commission
Louisiana Department of Insurance
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DWI Court - A Pilot Program

There is growing interest in Louisiana to establish a special DWI Court in Division C of the New Orleans Traffic Court, which is officiated by Judge Paul Bonin. Judge Bonin is very enthusiastic about heading up this program, and Colonel Jim Champagne, Executive Director of the Louisiana Highway Safety Commission, is also committed to the project.

The idea was discussed at the recent meeting of the Southeast Louisiana DWI Task Force (SELA) in Kenner. Mr. West Huddleston, Executive Director of the National Drug Court Institute, provided valuable information about these courts. Mr. Huddleston first spoke to SELA in March of this year, introducing background material on DWI courts. At this time there were approximately 58 DWI/Drug Courts in operation in the United States, with 12 more in the process of starting.

A Little History and Some Background Information:

It became clear to many in the criminal justice system that the traditional process in dealing with the DWI offenders was not working for the *repeat* offenders. Therefore, DWI courts to treat repeat DWI offenders were created, modeling the successful drug courts that treat repeat drug offenders.

In one of the first DWI courts established in 1997 by Judge Harvy Hoffman of Eaton County, Michigan, the recidivism rate has fallen from about 45 percent down to only 13.5 percent.

Following Judge Hoffman’s lead, many judges throughout the country have created DWI courts in attempts to treat drunk drivers instead of just punishing them. Jail time provides only a short period of public safety in a community according to Judge Hoffman. These special courts focus on treating alcoholism with additional intervention. Punishment, without treatment, is an ineffective deterrent for many repeat offenders.¹

While not every DWI offender is alcoholic, most hard core repeat offenders are. Also, most hard core repeat offenders are involved in the majority of alcohol-related traffic crashes. The emphasis of DWI courts is on reducing drunk driving by treating one of its major causes, alcoholism.²

Continued on inside page-right.

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- ◆ *The Monthly Report* is the newsletter of the Louisiana Property and Casualty Insurance Commission, Louisiana Department of Insurance, 1702 N. 3rd Street, 3rd Floor, P.O. Box 94214, Baton Rouge, LA 70804-9214 225-342-7187 (PH) 225-342-6057 (FX)

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- LA Property & Casualty Insurance Commission Staff**

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- ◆ The Louisiana Property and Casualty Insurance Commission was created by the enactment of R.S. 22:15 in the 2001Regular Session of the Louisiana Legislature to review and examine the availability and affordability of property and casualty insurance in the state of Louisiana. The commission will also undertake a comprehensive study and provide oversight and enforcement recommendations of the effectiveness of law enforcement and implementation of programs aimed at enforcement throughout the state of those laws and programs which affect property and casualty insurance rates.

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Commission Member Profile

Representative Michael L. Jackson was appointed to the Louisiana Property and Casualty Insurance Commission from the House Insurance Committee, where he serves as Vice Chairman. He represents District 61 in the Louisiana House of Representatives, having been re-elected a second term without opposition. The other legislative committees that Representative Jackson is a member of includes the Commerce Committee and Municipal, Parochial and Cultural Affairs Committee.

Rep. Jackson received his Bachelor of Arts degree from Southern University in Political Science in 1988, and his Juris Doctorate degree from Southern University Law Center in 1991. While attending college, Rep. Jackson served his country in the Louisiana National Guard from 1984 through 1988.

Rep. Jackson is managing partner of Jackson-Bell Law Firm, and serves as general counsel for a number of health care providers, handling matters from pre-litigation through trial on both city and district court levels.

Some of the civic and professional organizations that Rep. Jackson is affiliated with include: serving as 1st Vice Chair of the Louisiana Legislative Black Caucus , president of the Baton Rouge Coalition, a founding member of Nia Foundation and the Greater Baton Rouge JobFest, Alumnus Leadership of Baton Rouge and a member of the Health Care Law Committee of the American Bar Association. He is a member of Kappa Alpha Psi Fraternity and the Delta Theta Phi Law Fraternity. Rep. Jackson serves as a Deacon for the Little Zion Baptist Church and is a member of the Little Zion Baptist Church Board of Trustees. In 2002, Rep. Jackson received the Fluer De Lis Award for Excellence in Health Care Policy and the Louisiana Primary Care Association Award in Health Care Policy.

Rep. Jackson is married to the former Stephanie Gissendanner, and they are the parents of two daughters, Nia and Camyrn.

Representative Jackson is a welcomed addition to the Louisiana Property and Casualty Insurance Commission.

Louisiana Property and Casualty Insurance Commission Members		
Commissioner Robert Wooley		Tom O’Neal
Jeff Albright		Theodore “Ted” Haik, Jr.
Col. Jim Champagne	Representative Karen Carter	Aubrey T. Temple, Jr.
Chuck McMains	Representative Michael Jackson	Nicholas Gachassin
Terry Lisotta	Earl Taylor	Richard Clements
H. “Marc” Carter	Kay Hodges	Chad Brown
Senator James David Cain	Lorrie Brouse	Senator John Hainkel

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Dr. Jeffery Runge, the administrator of the National Highway Traffic Safety Administration, is strongly supporting and encouraging the establishment of DWI courts across the United States. He points out that these courts are a major step in helping to reduce impaired driving. Dr. Runge says DWI courts are most useful for those who are unable to make wise choices because of their addiction.²

Louisiana DWI Court Criteria:

As first mentioned in this article, the designated DWI Court will be in Judge Bonin’s court, which is Division C of New Orleans Traffic Court . There are guidelines being set for individuals who may qualify for DWI court. One of the important conditions for enrollment in the program would be post-conviction, which means the defendant is required to plead guilty to the DWI charge.

The defendant will then be screened by a team of professionals to determine their suitability for DWI court, for example, a second DWI offense with no history of violent offenses. Included in these professional teams are: prosecutors, defense attorneys, substance abuse counselors and probation officers. If selected, a guilty plea would be entered, reducing the amount of time in jail. The participant would then be placed on probation for 9 to 12 months, during which time he or she must appear before the judge on a weekly basis and submit to weekly alcohol/drug screening.

This type of intensive supervision and weekly contact with the judge makes a big difference in the success or failure of the program. When there is a very successful probation period, early rewards are offered by reducing weekly alcohol/drug testing and possibly fewer appearances before the judge.

This program is in its earliest stage of planning. The funding process will be through the U.S. Department of Justice beginning next spring, hopefully resulting in establishing a pilot program for a DWI Court in Louisiana.

Source 1: National Drug Court Institute

Source 2: DWI/DUI Courts Work by David J. Hanson, Ph.D.

Have a Safe and Happy Thanksgiving Holiday!